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PTO/SB/03 (12-97)  
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PLANT PATENT  
APPLICATION (35 U.S.C. 161)  
DECLARATION  
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing **OR** ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 0117.96

First Named Inventor Ralph Scorza et al.

**COMPLETE IF KNOWN**

Application Number / 09/942,866

Filing Date 08/31/01

Group Art Unit 1661

Examiner Name A. Grunberg

RECEIVED  
JAN 16 2004  
TECH CENTER 1600/1800

As a below named inventor, I hereby declare

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the new and distinct variety of:

Plum Tree

plant named: Plum Tree Named "C5"

which is claimed and for which a plant patent is sought, the specification of which

☐ Is attached hereto **OR** ☒ was filed on (MM/DD/YYYY) 08/31/01 as United States

Application Number 09/942,866 and was amended on (MM/DD/YYYY) 05/19/03 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.

I have asexually reproduced the plant to which this application applies.

☐ Said plant was found in a cultivated area (check this box for newly found plant only)

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only if Priority Not Claimed	Certified Copy Attached? YES NO
			<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
	USDA, ARS, OTT 5601 Sunnyside Ave., Rm. 4-1159 Beltsville	<input type="checkbox"/>

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Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Application ready for issue.  
Disregard no foreign priority claimed  
Amv 2/26/04